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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Firoiu et al.

RECEIVED

Attorney Docket: 2204/A05

Serial No.: 09/578,564

OCT 20 2000

Examiner: None yet assigned

Date Filed: May 25, 2000

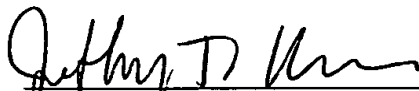
OFFICE OF PETITIONS

Art Unit: 2731

Title: METHOD AND APPARATUS  
FOR QUEUE MANAGEMENT

CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on October 10, 2000.

  
Jeffrey T. Klayman

Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER RULE 1.47(a)

Dear Sir:

This Petition is made pursuant to Rule 1.47(a) to permit co-inventor Victor Firoiu to make this application for patent on behalf himself and co-inventor Marty Borden, who cannot be reached after diligent effort. Mr. Borden's last known address is 30 Shaker Lane, Littleton, MA 01460.

Enclosed herewith is:

(a) Combined Declaration and Power of Attorney executed by co-inventor Victor Firoiu,  
for himself and on behalf of Marty Borden;

10/20/2000 AGOITGH 00000012 09578564

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130.00 CH

(b) Declaration of Jeffrey Klayman in Support of Petition under Rule 1.47(a) establishing a bona fide attempt to obtain Mr. Borden's signature.

(c) Declaration of Steven Saunders in Support of Petition under Rule 1.47(a) establishing a bona fide attempt to obtain Mr. Borden's signature.

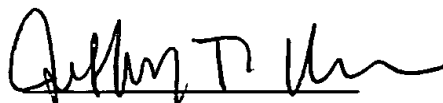
(d) Declaration of John Stickevers in Support of Petition under Rule 1.47(a) establishing a bona fide attempt to obtain Mr. Borden's signature.

(e) The fee as required under 37 CFR 1.17(I). Please charge the \$1,778.00 fee which includes the filing fee, petition fee, and missing parts fee to Deposit Account No. 19-4972. If there are any fee deficiencies in connection with this Petition, please charge them to Deposit Account No. 19-4972.

Please refer to the Declaration of Jeffrey Klayman in Support of Petition under Rule 1.47(a) for a full listing of efforts to obtain Mr. Borden's signature on the "Combined Declaration and Power of Attorney" for the subject patent application.

Please charge the \$1,778.00 fee to Deposit Account No. 19-4972. If any additional fees are required for the timely consideration of this application, please charge Deposit Account No. 19-4972.

Respectfully submitted:



Jeffrey T. Klayman  
Reg. No. 39,250  
(617) 443-9292



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Firoiu et al.

Attorney Docket: 2204/A05

Serial No.: 09/578,564

Examiner: None assigned

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Art Unit: 2731

Title: METHOD AND APPARATUS FOR QUEUE MANAGEMENT

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OCT 20 2000

OFFICE OF PETITIONS

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DECLARATION OF JEFFREY KLAYMAN  
IN SUPPORT OF PETITION UNDER RULE 1.47(a)

I, Jeffrey Klayman, hereby declare that:

1. I am a registered patent attorney, and am currently responsible for the continued prosecution of the subject U.S. patent application (hereinafter "the application").

2. To the best of my knowledge, the inventor, Marty Borden, no longer works for Nortel Networks Limited (assignee of the application), and has not informed either Nortel Networks Limited or co-inventor Victor Firoiu of his new employer.

3. According to my records, a "Combined Declaration and Power of Attorney" (hereinafter "declaration") was mailed to Mr. Borden on June 15, 2000 at his last known home address of 30 Shaker Lane, Littleton, MA 01460, pursuant to instructions from Nortel Networks Limited to send correspondence to the inventor's home address. This letter was sent by another patent attorney who has been involved in the preparation and prosecution of the application, John Stickevers (please see the attached Declaration of John Stickevers). A copy of this letter is attached.

4. According to my records, a follow-up letter was mailed to Mr. Borden on June 20, 2000 at his above-mentioned home address. This follow-up letter was sent by another patent attorney who has been involved in the prosecution of the application, Steven Saunders (please see the attached Declaration of Steven Saunders). This follow-up letter included a copy of the application as filed, and indicated that the declaration had been sent to Mr. Borden on June 15, 2000. A copy of this follow-up letter is attached.

5. As of September 12, 2000, Mr. Borden had not returned the executed declaration.

6. According to my records, a reminder letter including an executable copy of the declaration was mailed to Mr. Borden on September 12, 2000 at his above-mentioned home address. A copy of this reminder letter is attached.

7. As of September 22, 2000, Mr. Borden had still not returned the executed declaration.

8. On September 22, 2000, I obtained an electronic mail address for Mr. Borden from Mr. Firoiu, and sent an electronic mail message to Mr. Borden requesting that he contact me regarding, among other things, executing the declaration for the subject application. A copy of the electronic mail message is attached.

9. By October 4, 2000, Mr. Borden had still not returned the executed declaration. Nor had Mr. Borden contacted me in response to my electronic mail message.

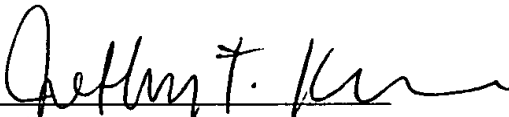
10. On October 4, 2000, I obtained a home phone number for Mr. Borden and left a voice mail message on his answering machine requesting that he contact me regarding, among other things, executing the declaration for the subject application.

11. By October 6, 2000, Mr. Borden had still not returned the executed declaration.

Nor had Mr. Borden contacted me in response to my voice mail message.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 10/10/00

  
Jeffrey Klayman  
Reg. No. 39,250

[131727]



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Firoiu et al.

Attorney Docket: 2204/A05

Serial No.: 09/578,564

Examiner: None assigned

Date Filed: May 25, 2000

Art Unit: 2731

Title: METHOD AND APPARATUS FOR QUEUE MANAGEMENT

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DECLARATION OF STEVEN SAUNDERS  
IN SUPPORT OF PETITION UNDER RULE 1.47(a)

I, Steven Saunders, hereby declare that:

1. I am a registered patent attorney, and have been involved in the prosecution of the subject U.S. patent application (hereinafter "the application").

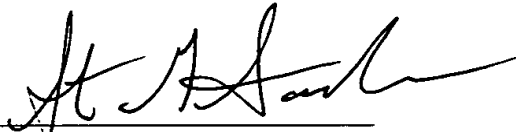
2. To the best of my knowledge, the inventor, Marty Borden, no longer works for Nortel Networks Limited (the assignee of the application), and has not informed either Nortel Networks Limited or co-inventor Victor Firoiu of his new employer.

3. On June 20, 2000, I sent a follow-up letter to Mr. Borden at his last known home address of 30 Shaker Lane, Littleton, MA 01460, pursuant to instructions from Nortel Networks Limited to send correspondence to the inventor's home address. This follow-up letter included a copy of the application as filed, and indicated that a "Combined Declaration and Power of Attorney" had been sent to Mr. Borden on June 15, 2000. A copy of this follow-up letter is attached.

I hereby declare that all statements made herein of my own knowledge are true and that

all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 10/10/00

  
\_\_\_\_\_  
Steven Saunders  
Reg. No. 36,265

[131871]



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Firoiu et al.

Attorney Docket: 2204/A05

Serial No.: 09/578,564

Examiner: None assigned

Date Filed: May 25, 2000

Art Unit: 2731

Title: METHOD AND APPARATUS FOR QUEUE MANAGEMENT

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DECLARATION OF JOHN STICKEVERS  
IN SUPPORT OF PETITION UNDER RULE 1.47(a)

RECEIVED

OCT 20 2000

I, John Stickevers, hereby declare that:

OFFICE OF PETITIONS

1. I am a registered patent attorney, and have been involved in the preparation and prosecution of the subject U.S. patent application (hereinafter "the application").

2. To the best of my knowledge, the inventor, Marty Borden, no longer works for Nortel Networks Limited (assignee of the application), and has not informed either Nortel Networks Limited or co-inventor Victor Firoiu of his new employer.


3. On June 15, 2000, I mailed a "Combined Declaration and Power of Attorney" (hereinafter "declaration") to Mr. Borden at his last known home address of 30 Shaker Lane, Littleton, MA 01460, pursuant to instructions from Nortel Networks Limited to send correspondence to the inventor's home address. A copy of this letter is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are

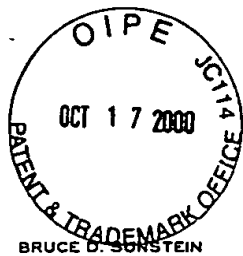


punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 10/10/00

  
John Stickevers  
Reg. No. 39,387

[131872]



**BROMBERG & SUNSTEIN LLP**

ATTORNEYS AT LAW

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PATENT AGENTS\*  
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KEITH J. WOOD  
\*NON-LAWYER

**FILE COPY**

THEODORE E. MACVEAGH  
JENNIFER G. CRAMER  
STEVEN G. SAUNDERS  
SAMUEL J. PETUCHOWSKI, PH.D.  
CHRISTOPHER K. BARRY - SMITH  
KAREN A. BUCHANAN  
LISA M. TITTEMORE  
JOHN J. STICKEVERS  
JILL E. DIAZ  
A. DAMIEN PULLER  
HERBERT A. NEWBORN  
R. J. SIMS PRESTON  
JEFFREY T. KLAYMAN  
NICOLE ZAWARSKI  
JAY SANDVOS  
JEAN M. TIBBETTS  
ELIZABETH P. MORANO  
DAVID ROBERT FOSS  
JENNIFER R. ADLER

**DOCKETED**

June 15, 2000

**RECEIVED**

**OCT 20 2000**

**OFFICE OF PETITIONS**

Marty Borden  
30 Shaker Lane  
Littleton, MA 01460

Re: U.S. Patent Application for **METHOD & APPARATUS FOR QUEUE  
MANAGEMENT**

Your File: BA0447

Our File: 2204/A05

Dear Marty:

We have received our return postcard from the U.S. Patent and Trademark Office (USPTO) relating to the above-referenced patent application. Enclosed for your review is a copy of the return post card and a copy of the patent application as filed. Also enclosed is a combined Declaration and Power of Attorney and an Assignment.

The USPTO date stamp shows that the application was received on May 25, 2000 and was tentatively assigned serial number 09/578,564.

In order to obtain the earliest possible filing date, the patent application was submitted without an executed Declaration and Power of Attorney. The Declaration is essentially a statement by you that (1) you have read the patent application; (2) you understand the contents of the patent application, including the claims; (3) the patent application correctly describes your invention and the best mode known to you for making and using the invention as of the filing date; (4) you believe that you are an actual inventor of the invention as represented by at least one of the claims; and (5) you acknowledge the duty to disclose all information known to you that may be material to patentability as discussed below. The Power of Attorney enables the named attorneys and agents to prosecute the patent application and transact business with the USPTO as needed to prosecute the patent application. We need to file a fully executed Declaration and Power of Attorney for each inventor in order for the PTO to continue processing the patent application. Therefore, please read the patent application, paying particular attention to the

Marty Borden  
June 15, 2000  
Page 2

claims. If you are satisfied that you understand the contents of the patent application, the patent application correctly describes your invention and the best mode known to you for making and using the invention, and you believe yourself to be an actual inventor, then please execute the Declaration and Power of Attorney by signing and dating the combined Declaration and Power of Attorney at the space provided. If you have any questions or concerns, then please do not execute the combined Declaration and Power of Attorney, and instead please contact me at the telephone number listed above so we can resolve any issues. Also, please contact me if you believe that someone is incorrectly listed as an inventor or someone has been omitted as an inventor so that we can provide the correct inventorship information to the USPTO.

In addition, we need to record an assignment in the USPTO. The enclosed Assignment conveys your rights in the invention to Nortel Networks Corporation. Please execute the Assignment by signing and dating the Assignment at the space provided. **THERE IS NO NEED TO HAVE THE ASSIGNMENT NOTARIZED.**

I would appreciate receiving the Declaration and Power of Attorney and Assignment before

July 7, 2000

so that we may complete the filing requirements of the USPTO without an additional expense for an extension of time. Once we have received the signed documents from you, we will file them with the USPTO, and assuming that no problems are encountered, we can expect to receive a formal filing receipt in due course.

We remind you at this time that an applicant is under a strict duty of candor and good faith. As part of this duty, an applicant is obliged to disclose to the USPTO any and all information of which the applicant is aware that is material to the examination of the application. Such information is considered material where "there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent." 37 C.F.R. §1.56(a).

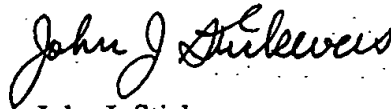
One means for complying with this duty of disclosure is the so called "Information Disclosure Statement." An information disclosure statement is a listing of patents, publications, or other information, together with an explanation of the relevance of each listed item, together with copies and translations of listed items, as appropriate. Ideally, an information disclosure statement should be filed with the application. However, an information disclosure statement can also be filed within the later of three months after the filing date of the application or before the first office action is issued. Of course, if the applicant becomes aware of any relevant art at any point during the prosecution, it is appropriate to file an information disclosure statement at that time as well.

Marty Borden  
June 15, 2000  
Page 3

Therefore, if you are aware of any relevant art, including relevant articles, patents, or other publications (or events such as offering for sale or public use of a product embodying the invention more than one year before the effective filing date of the application), please send us copies of these documents (or information concerning these events) at your earliest convenience so that we may comply with the duty of disclosure. For example, you may have uncovered such documents while researching the subject matter to be patented, or conducting novelty or clearance searches. Also, such documents often turn up during the course of prosecution of a related case in a foreign jurisdiction. If there is any question as to whether or not a particular document or event is relevant, it is advisable to disclose that document or event to the USPTO in order to avoid any possible allegation of fraudulent or inequitable conduct, and to strengthen any patent ultimately issuing on the application.

Thank you for your attention to this matter. Please feel free to call me if you have any questions or comments.

Very truly yours,

A handwritten signature in cursive script, reading "John J. Stickevers".

John J. Stickevers

JJS/jmn/mm  
Enclosures  
02204/00A05 120428.1



DOCKETED

JJS:vel

PLEASE DATE, STAMP AND RETURN  
The Assistant Commissioner of Patents has received from Bromberg & Sunstein the following:

Inventor: Fiolu et al.

Title: METHOD & APPARATUS FOR QUEUE  
MANAGEMENT

Serial/Patent No:

Filing/Issue Date:

Documents:

- ☒ New Application Transmittal  
☐ Provisional Application Cover Sheet  
☒ Description - 18 pages  
☒ Claims - 7 pages  
☒ Abstract  
☒ 18 sheets of drawings  
    ☐ formal ☒ informal  
☒ Declaration & Power of Attorney  
    ☐ executed ☒ unexecuted  
☐ Small Entity Statement  
☐ Assignment/Recordation Form Cover Sheet  
☐ Completion of Filing Requirements

Docket No:

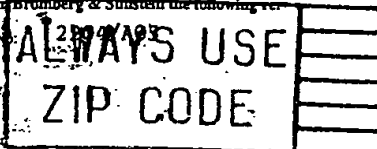
Art Unit:

Examiner:

Date: May 25, 2000

Express Mail No: EL528434907US

- ☐ Amendment Transmittal  
☐ Amendment (Preliminary)  
☐ Response  
☐ IDS & References  
☐ Petition for month Extension  
☐ Transmittal of Formal Drawings  
☐ Issue Fee Transmittal & Form PTOL-85  
☐ Payment of Maintenance Fee  
☐ Check in the amount of \$  
☐  
☐



RECEIVED

JUN 02 2000

BROMBERG & SUNSTEIN



Docket No.  
2204/A05

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD AND APPARATUS FOR QUEUE MANAGEMENT**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on May 25, 2000 as United States Application No. or PCT International Application Number 09/578,564 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/137,082	June 2, 1999
_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Bruce D. Sunstein	Reg. No. 27,234	Jay Sandvos	Reg. No. 43,900
Robert M. Asher	Reg. No. 30,445	Sonia K. Guterman	Reg. No. 44,729
Timothy M. Murphy	Reg. No. 33,198	Keith J. Wood	Reg. No. 45,235
Steven G. Saunders	Reg. No. 36,265	Mary M. Steubing	Reg. No. 37,946
Harriet M. Strimpel	Reg. No. 37,008	Christopher J. Cianciolo	Reg. No. 42,417
Samuel J. Petuchowski	Reg. No. 37,910	Lindsay J. McGuinness	Reg. No. 38,549
Jeffrey T. Klayman	Reg. No. 39,250		
John J. Stickevers	Reg. No. 39,387		
Herbert A. Newborn	Reg. No. 42,031		
Elizabeth P. Morano	Reg. No. 42,904		
Jean M. Tibbetts	Reg. No. 43,193		

Send Correspondence to: **John J. Stickevers**  
**Bromberg & Sunstein LLP**  
 125 Summer Street  
 Boston, MA 02110

Direct Telephone Calls to: *(name and telephone number)*  
**John J. Stickevers at (617) 443-9292**

Full name of sole or first inventor <b>Victor Firoiu</b>	
Sole or first inventor's signature	Date
Residence <b>14 Bedford Village, Apartment A, Bedford, MA 01730</b>	
Citizenship <b>U.S.A.</b>	
Post Office Address <b>Same as residence</b>	

Full name of second inventor, if any <b>Marty Borden</b>	
Second inventor's signature	Date
Residence <b>30 Shaker Lane, Littleton, MA 01460</b>	
Citizenship <b>U.S.A.</b>	
Post Office Address <b>Same as residence</b>	



ASSIGNMENT

ASSIGNOR: Victor Firoiu  
Marty Borden

ASSIGNEE: Nortel Networks Limited  
World Trade Center of Montreal  
380 St. Antoine Street West, 8th Floor  
Montreal, Quebec H2Y 3Y4  
Canada

STATE OF INCORPORATION OF ASSIGNEE: N/A

INVENTION: Method and Apparatus for Queue Management

ATTORNEY DOCKET: 2204/A05

SERIAL NO: 09/578,564

FILED: May 25, 2000

Assignor is the sole inventor (if only one inventor is listed above) or a joint inventor (if more than one inventor is listed above) of the above invention (the "Invention") described in a United States patent application (the "Application") bearing the above attorney docket number and having as a title the above name for the Invention. The Application has a Patent and Trademark Office filing date and serial number as indicated above, or if no filing date and serial number are shown, has a Declaration executed by Assignor contemporaneously with this Assignment.

For valuable consideration, receipt of which is acknowledged, each Assignor hereby assigns to Assignee (which term shall include Assignee's successors and assigns), all of Assignor's right, title and interest in the Invention, all improvements therein, the Application and

all priority rights arising therefrom, and any patents, and any reissues and extensions thereof, which issue in any country upon any patent applications which correspond with any of the following: the Application, any divisional, continuation-in-whole, or substitute United States application which is based on the Application; or any continuation-in-part United States application (including divisions, continuations-in-whole or -in-part, and substitutions thereof or therefor) based in-part on any of the above described applications.

Each Assignor further agrees that such Assignor and Assignor's heirs and legal representatives will, without further consideration, cooperate with Assignee in the prosecution of all of the above applications, execute, verify, acknowledge and deliver all such further papers, including applications for patents and for reissues and extensions therefor, and instruments of assignment and transfer thereof, and will communicate any facts known to Assignor relating to the Invention, to obtain or maintain or enforce patents for the Invention and improvements therein in any and all countries and to vest title thereto in Assignee. Each Assignor further agrees that such Assignor will, without further compensation to Assignor during the term of such Assignor's employment by Assignee and thereafter for reasonable compensation as determined by Assignee, perform such other acts as may be reasonably required when requested by Assignee, including attending depositions, preparing and executing declarations and affidavits and testifying as a witness, to obtain or maintain or enforce patents for the Invention and improvements therein in any and all countries and to vest title thereto in Assignee.

IN WITNESS WHEREOF, each Assignor hereby executes this instrument on the date set forth below.

Date: \_\_\_\_\_

\_\_\_\_\_  
Victor Firoiu, Assignor

Date: \_\_\_\_\_

\_\_\_\_\_  
Marty Borden, Assignor

119509



**FILE COPY**

**BROMBERG & SUNSTEIN LLP**

ATTORNEYS AT LAW

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THOMAS C. CAREY  
EDWARD J. DAILEY  
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JUDITH R.S. STERN  
LISA M. FLEMING  
HARRIET M. STRIMPEL, D. PHIL

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A. DAMIEN PULLER  
HERBERT A. NEWBORN  
R. J. SIMS PRESTON  
JEFFREY T. KLAYMAN  
NICOLE ZAWARSKI  
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ELIZABETH P. MORANO  
DAVID ROBERT FOSS  
JENNIFER R. ADLER

**DOCKETED**

June 20, 2000

Marty Borden  
30 Shaker Lane  
Littleton, MA 01460

Re: U.S. Patent Application for **METHOD & APPARATUS FOR QUEUE  
MANAGEMENT**

Your File: BA0447

Our File: 2204/A05

Dear Marty

On June 15, we sent you a letter notifying you that we had received our return postcard from the U.S. Patent and Trademark Office (USPTO) relating to the above-referenced patent application, and we enclosed a copy of the return post card, the Assignment, and a Combined Declaration and Power of Attorney. However, the copy of the Patent Application was left out inadvertently. We are herewith enclosing that copy.

Thank you for your attention to this matter. Please feel free to call me if you have any questions or comments.

Very truly yours,

Steven G. Saunders

SGS/mm  
Enclosure

02204/00A05 120952.1



BRUCE D. SUNSTEIN  
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DOCKETED

DOCKETED

June 15, 2000

FILE COPY

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JENNIFER R. ADLER

Marty Borden  
30 Shaker Lane  
Littleton, MA 01460

REMINDER  
September 12, 2000

Re: U.S. Patent Application for **METHOD & APPARATUS FOR QUEUE  
MANAGEMENT**  
Your File: BA0447  
Our File: 2204/A05

Dear Marty:

We have received our return postcard from the U.S. Patent and Trademark Office (USPTO) relating to the above-referenced patent application. Enclosed for your review is a copy of the return post card and a copy of the patent application as filed. Also enclosed is a combined Declaration and Power of Attorney and an Assignment.

The USPTO date stamp shows that the application was received on May 25, 2000 and was tentatively assigned serial number 09/578,564.

In order to obtain the earliest possible filing date, the patent application was submitted without an executed Declaration and Power of Attorney. The Declaration is essentially a statement by you that (1) you have read the patent application; (2) you understand the contents of the patent application, including the claims; (3) the patent application correctly describes your invention and the best mode known to you for making and using the invention as of the filing date; (4) you believe that you are an actual inventor of the invention as represented by at least one of the claims; and (5) you acknowledge the duty to disclose all information known to you that may be material to patentability as discussed below. The Power of Attorney enables the named attorneys and agents to prosecute the patent application and transact business with the USPTO as needed to prosecute the patent application. We need to file a fully executed Declaration and Power of Attorney for each inventor in order for the PTO to continue processing the patent application. Therefore, please read the patent application, paying particular attention to the

Marty Borden  
June 15, 2000  
Page 2

claims. If you are satisfied that you understand the contents of the patent application, the patent application correctly describes your invention and the best mode known to you for making and using the invention, and you believe yourself to be an actual inventor, then please execute the Declaration and Power of Attorney by signing and dating the combined Declaration and Power of Attorney at the space provided. If you have any questions or concerns, then please do not execute the combined Declaration and Power of Attorney, and instead please contact me at the telephone number listed above so we can resolve any issues. Also, please contact me if you believe that someone is incorrectly listed as an inventor or someone has been omitted as an inventor so that we can provide the correct inventorship information to the USPTO.

In addition, we need to record an assignment in the USPTO. The enclosed Assignment conveys your rights in the invention to Nortel Networks Corporation. Please execute the Assignment by signing and dating the Assignment at the space provided. **THERE IS NO NEED TO HAVE THE ASSIGNMENT NOTARIZED.**

I would appreciate receiving the Declaration and Power of Attorney and Assignment before

July 7, 2000

so that we may complete the filing requirements of the USPTO without an additional expense for an extension of time. Once we have received the signed documents from you, we will file them with the USPTO, and assuming that no problems are encountered, we can expect to receive a formal filing receipt in due course.

We remind you at this time that an applicant is under a strict duty of candor and good faith. As part of this duty, an applicant is obliged to disclose to the USPTO any and all information of which the applicant is aware that is material to the examination of the application. Such information is considered material where "there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent." 37 C.F.R. §1.56(a).

One means for complying with this duty of disclosure is the so called "Information Disclosure Statement." An information disclosure statement is a listing of patents, publications, or other information, together with an explanation of the relevance of each listed item, together with copies and translations of listed items, as appropriate. Ideally, an information disclosure statement should be filed with the application. However, an information disclosure statement can also be filed within the later of three months after the filing date of the application or before the first office action is issued. Of course, if the applicant becomes aware of any relevant art at any point during the prosecution, it is appropriate to file an information disclosure statement at that time as well.

Marty Borden  
June 15, 2000  
Page 3

Therefore, if you are aware of any relevant art, including relevant articles, patents, or other publications (or events such as offering for sale or public use of a product embodying the invention more than one year before the effective filing date of the application), please send us copies of these documents (or information concerning these events) at your earliest convenience so that we may comply with the duty of disclosure. For example, you may have uncovered such documents while researching the subject matter to be patented, or conducting novelty or clearance searches. Also, such documents often turn up during the course of prosecution of a related case in a foreign jurisdiction. If there is any question as to whether or not a particular document or event is relevant, it is advisable to disclose that document or event to the USPTO in order to avoid any possible allegation of fraudulent or inequitable conduct, and to strengthen any patent ultimately issuing on the application.

Thank you for your attention to this matter. Please feel free to call me if you have any questions or comments.

Very truly yours,

  
John J. Stickevers

JJS/jmn/mm  
Enclosures  
02204/00A05 120428.1



**DOCKETED**

JJS:vel

PLEASE DATE, STAMP AND RETURN  
The Assistant Commissioner of Patents has received from Bromberg & Sunstein the following:

Inventor: Firoiu et al.

Title: METHOD & APPARATUS FOR QUEUE  
MANAGEMENT

Serial/Patent No:

Filing/Issue Date:

Documents:

- ☒ New Application Transmittal  
☐ Provisional Application Cover Sheet  
☒ Description - 18 pages  
☒ Claims - 7 pages  
☒ Abstract  
☒ 18 sheets of drawings  
( ) formal (X) informal  
☒ Declaration & Power of Attorney  
( ) executed (X) unexecuted  
( ) Small Entity Statement  
( ) Assignment/Recordation Form Cover Sheet  
( ) Completion of Filing Requirements

Docket No:

Art Unit:

Examiner:

Date: May 25, 2000

Express Mail No: EL528434907US

- ( ) Amendment Transmittal  
( ) Amendment (Preliminary)  
( ) Response  
( ) IDS & References  
( ) Petition for month Extension  
( ) Transmittal of Formal Drawings  
( ) Issue Fee Transmittal & Form PTOL-85  
( ) Payment of Maintenance Fee  
( ) Check in the amount of \$

**RECEIVED**

**JUN 02 2000**

**BROMBERG & SUNSTEIN**



Docket No.  
2204/A05

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD AND APPARATUS FOR QUEUE MANAGEMENT**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on May 25, 2000 as United States Application No. or PCT International Application Number 09/578,564 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u>60/137,082</u>	<u>June 2, 1999</u>
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Bruce D. Sunstein	Reg. No. 27,234	Jay Sandvos	Reg. No. 43,900
Robert M. Asher	Reg. No. 30,445	Sonia K. Guterman	Reg. No. 44,729
Timothy M. Murphy	Reg. No. 33,198	Keith J. Wood	Reg. No. 45,235
Steven G. Saunders	Reg. No. 36,265	Mary M. Steubing	Reg. No. 37,946
Harriet M. Strimpel	Reg. No. 37,008	Christopher J. Cianciolo	Reg. No. 42,417
Samuel J. Petuchowski	Reg. No. 37,910	Lindsay J. McGuinness	Reg. No. 38,549
Jeffrey T. Klayman	Reg. No. 39,250		
John J. Stickevers	Reg. No. 39,387		
Herbert A. Newborn	Reg. No. 42,031		
Elizabeth P. Morano	Reg. No. 42,904		
Jean M. Tibbetts	Reg. No. 43,193		

Send Correspondence to: John J. Stickevers  
 Bromberg & Sunstein LLP  
 125 Summer Street  
 Boston, MA 02110

Direct Telephone Calls to: *(name and telephone number)*  
 John J. Stickevers at (617) 443-9292

Full name of sole or first inventor <b>Victor Firoiu</b>	
Sole or first inventor's signature	Date
Residence <b>14 Bedford Village, Apartment A, Bedford, MA 01730</b>	
Citizenship <b>U.S.A.</b>	
Post Office Address <b>Same as residence</b>	

Full name of second inventor, if any <b>Marty Borden</b>	
Second inventor's signature	Date
Residence <b>30 Shaker Lane, Littleton, MA 01460</b>	
Citizenship <b>U.S.A.</b>	
Post Office Address <b>Same as residence</b>	

ASSIGNMENT

ASSIGNOR: Victor Firoiu  
Marty Borden

ASSIGNEE: Nortel Networks Limited  
World Trade Center of Montreal  
380 St. Antoine Street West, 8th Floor  
Montreal, Quebec H2Y 3Y4  
Canada

STATE OF INCORPORATION OF ASSIGNEE: N/A

INVENTION: Method and Apparatus for Queue Management

ATTORNEY DOCKET: 2204/A05

SERIAL NO: 09/578,564

FILED: May 25, 2000

Assignor is the sole inventor (if only one inventor is listed above) or a joint inventor (if more than one inventor is listed above) of the above invention (the "Invention") described in a United States patent application (the "Application") bearing the above attorney docket number and having as a title the above name for the Invention. The Application has a Patent and Trademark Office filing date and serial number as indicated above, or if no filing date and serial number are shown, has a Declaration executed by Assignor contemporaneously with this Assignment.

For valuable consideration, receipt of which is acknowledged, each Assignor hereby assigns to Assignee (which term shall include Assignee's successors and assigns), all of Assignor's right, title and interest in the Invention, all improvements therein, the Application and

all priority rights arising therefrom, and any patents, and any reissues and extensions thereof, which issue in any country upon any patent applications which correspond with any of the following: the Application, any divisional, continuation-in-whole, or substitute United States application which is based on the Application; or any continuation-in-part United States application (including divisions, continuations-in-whole or -in-part, and substitutions thereof or therefor) based in-part on any of the above described applications.

Each Assignor further agrees that such Assignor and Assignor's heirs and legal representatives will, without further consideration, cooperate with Assignee in the prosecution of all of the above applications, execute, verify, acknowledge and deliver all such further papers, including applications for patents and for reissues and extensions therefor, and instruments of assignment and transfer thereof, and will communicate any facts known to Assignor relating to the Invention, to obtain or maintain or enforce patents for the Invention and improvements therein in any and all countries and to vest title thereto in Assignee. Each Assignor further agrees that such Assignor will, without further compensation to Assignor during the term of such Assignor's employment by Assignee and thereafter for reasonable compensation as determined by Assignee, perform such other acts as may be reasonably required when requested by Assignee, including attending depositions, preparing and executing declarations and affidavits and testifying as a witness, to obtain or maintain or enforce patents for the Invention and improvements therein in any and all countries and to vest title thereto in Assignee.

IN WITNESS WHEREOF, each Assignor hereby executes this instrument on the date set forth below.

Date: \_\_\_\_\_

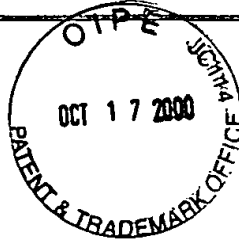
\_\_\_\_\_  
Victor Firoiu, Assignor

Date: \_\_\_\_\_

\_\_\_\_\_  
Marty Borden, Assignor

119509

**From:** Jeff T. Klayman  
**To:** out:"mborden@acm.org"  
**Date:** 9/22/00 3:10PM  
**Subject:** patent application



22a/196  
22a/1A05

Marty,

You were named as an inventor on a patent application that was prepared by our law firm. We sent two documents that require your signature to your home address, specifically a combined declaration and power of attorney and an assignment. To date, we have not received the executed documents from you. We recently sent you a reminder. Would you please contact me at (617) 443-9292 so we can discuss this matter further. I prefer not to send any information that would identify the patent application by email.

Thank you.

Jeff

Bromberg & Sunstein LLP  
Attorneys at Law  
125 Summer Street  
Boston, MA 02110-1618  
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[www.bromsun.com](http://www.bromsun.com)

This message is intended only for the addressee(s), and may contain information that is privileged and confidential. If the recipient of this message is not an addressee, please notify us immediately by telephone.

**CC:** jtk